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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 CAMERON DAVID WYNNE,

9 Plaintiff,

10 v.

11 CITY OF SEATTLE, *et al.*,

12 Defendants.

Case No. C23-882-RAJ-MLP

ORDER DENYING PLAINTIFF'S
APPLICATION FOR COURT-
APPOINTED COUNSEL AND
GRANTING EXTENSION OF TIME

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14 This is a civil rights action proceeding under 42 U.S.C. § 1983. This matter comes before
15 the Court on Plaintiff's request for an extension of time to file his second amended complaint
16 (dkt. # 11), and on his application for court-appointed counsel (dkt. # 12). Plaintiff's two
17 requests for relief are intertwined and the Court addresses them together below.

18 Plaintiff first requests that he be granted additional time to file his second amended
19 complaint. (Dkt. # 11.) Plaintiff asserts that he did not receive the Court's Order granting him
20 leave to file a second amended complaint until seven days after it was issued, causing him to lose
21 time within which to prepare his second amended complaint. (*Id.* at 1.) Plaintiff further asserts
22 that he is currently awaiting a response from the Seattle Police Department to his public records
23 request seeking the name of the Seattle Police Officer whom he alleges violated his rights. (*Id.*)

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1 Plaintiff indicates that he anticipates a response to his request by October 19, 2023. (*Id.*) Finally,
2 Plaintiff indicates that he desires an extension to see if he will be appointed counsel to assist him
3 in this litigation. (*See id.* at 1-2.)

4 Plaintiff's application for court-appointed counsel (dkt. # 12) does not contain any
5 argument in support of his request for an attorney. Plaintiff does, however, offer some support
6 for his request in his letter requesting an extension of time. In particular, Plaintiff asserts that he
7 has no legal experience, but he knows his rights have been violated and he is simply "having
8 trouble conveying it correctly or putting it in the right words." (Dkt. # 11 at 1.) Plaintiff also
9 submitted with his current requests for relief a document entitled "Merits of Claim" in which he
10 sets forth the substance of the claims he is attempting to assert in this action. (Dkt. # 13.)

11 With respect to Plaintiff's request for court-appointed counsel, Plaintiff is advised that
12 there is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although
13 the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in*
14 *forma pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*,
15 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984);
16 *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances
17 requires an evaluation of both the likelihood of success on the merits and the ability of the
18 plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved.
19 *Wilborn*, 789 F.2d at 1331.

20 While Plaintiff insists that his rights have been violated, there is simply insufficient
21 information in the record at this juncture for the Court to be able to assess whether Plaintiff is
22 likely to succeed on the merits of his constitutional claims. As to Plaintiff's ability to articulate
23 his claims without the assistance of counsel, Plaintiff has thus far demonstrated an ability to

1 identify the legal and factual bases of his claims without the assistance of counsel. Plaintiff's
2 primary difficulty in setting forth viable claims for relief has been identifying proper Defendants.

3 In his amended complaint, Plaintiff attempted to allege claims against the City of Seattle
4 and King County. (*See* dkt. # 9.) However, as the Court explained in its Order declining to serve
5 the amended pleading, Plaintiff's claims appear to implicate the conduct of specific employees of
6 the Seattle Police Department and the King County Jail, and not the policies or customs of the
7 entities themselves. (*See* dkt. # 10.) Plaintiff indicates that he is currently attempting to identify
8 the Seattle Police Officer whose conduct is at issue in this action. (*See* dkt. # 11.) And, because
9 Plaintiff remains in King County custody at this time, he presumably has access to kites,
10 grievances, or other records that will allow him to identify the members of the King County
11 corrections staff and/or medical staff who are responsible for the alleged denial of an adequate
12 diet and the multi-vitamins Plaintiff claims are necessary to maintain his health.

13 Based on the current record, the Court concludes that Plaintiff has not demonstrated his
14 case involves exceptional circumstances warranting the appointment of counsel. Plaintiff has,
15 however, demonstrated that an extension of time is warranted to permit him to identify the
16 proper Defendants and to prepare his second amended complaint.

17 Based on the foregoing, the Court hereby ORDERS as follows:

18 (1) Plaintiff's application for court-appointed counsel (dkt. # 12) is DENIED.

19 (2) Plaintiff's motion for an extension of time to file his second amended complaint
20 (dkt. # 11) is GRANTED. Plaintiff is directed to file his second amended complaint not later than
21 ***November 2, 2023.***

22 (3) The Clerk is directed to send copies of this Order to Plaintiff and to the Honorable
23 Richard A. Jones.

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1 DATED this 2nd day of October, 2023.

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4 MICHELLE L. PETERSON
5 United States Magistrate Judge
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